IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 04.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.415 of 2006

Valli ... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary to Government,
Government of Tamil Nadu,
Prohibition and Excise XII Department,
Fort St. George, Chennai-9.

2.The District Magistrate and
District Collector,
Thiruvannamalai District,
Thiruvannamalai. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to direct the respondents to produce the body of the detenu Murali S/o Chandran, who is detained in the Central Prison, Vellore before this Court and to call for the records of detention order in D.O.No.19/2006-C2 dated 31.03.2006 passed by the second respondent, set aside the same and set the detenu at liberty.

For Petitioner : Ms.L.Poompavai

For Respondents: Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

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O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, who is the wife of the detenu by name Murali, who is detained as a ''Bootlegger" as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of

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1982), by the impugned detention order dated 31.03.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel appearing for the petitioner, by drawing our attention to the relevant paragraphs in the grounds of detention, both English and Tamil version, has contended that though it is stated at one place that the detenu was lodged at Central Prison, Vellore, in the penalty-mate paragraph, the detaining authority has informed the detenu that "if he wishes to make any representation to the State Government, he should address it to the Secretary to the Government, Prohibition and Excise Department, Fort St. George, Chennai-600 009 through the Superintendent, Central Prison, Vellore, in which he is going to be detained, as expeditiously as possible." The same has been correctly stated in the Tamil version of the grounds of detention. However, the point is that though the detaining authority has specifically stated in the detention order that the detenu was remanded for 15 days by the Judicial Magistrate No.II, Cheyyar, and lodged in the Central Prison, Vellore, it is not clear in respect of making representation to the Government and the Advisory Board wherein the detaining authority has stated that he is going to be detained in Central Prison, Vellore. Inasmuch as the same mistake occurred in the Tamil version also, it is the grievance of the detenu that he was confused and he could not make effective representation. On going through the above statement, we verified the English and Tamil version of the grounds of detention. We agree with the said contention. We are satisfied that because of the error in para 6 of both English and Tamil version of grounds of detention, the detenu was prevented from making effective representation. On this ground, the detention order is liable to be quashed and accordingly, the same is quashed.

4. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Secretary to Government, State of Tamil Nadu, Prohibition and Excise XII Department, Fort St. George, Chennai-600 009.

2.The The District Magistrate and District Collector, Thiruvannamalai District, Thiruvannamalai.

3. The Superintendent, Central Prison, Vellore.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order) Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

NG (CO)

dv/10.7.06

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